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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,166

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Francesc Perarnau Ramos

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VALLEY FORGE, PA 19482

EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,166	Applicant(s) RAMOS ET AL.	
	Examiner Hilary Gutman	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/26/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "of the type" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "of the type"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 recites the limitation "it" in line 4, "an open cross-section" in line 8, and "their respective longitudinal edges" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said side walls" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "an open cross-section" in line 2 and "their edges" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "an open cross-section" in line 2, "their edges" in line 3, "its free edge" in line 5, and "it" in line 7. There is insufficient antecedent basis for this limitation in the claim.

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Claim 7 recites the limitation "an open cross-section" in line 2, "their edges" in line 3, "its free edge" in line 5, and "it" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "it" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "it" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "an open cross-section" in line 2 and "a closed cross-section" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "that end" in line 3 and "said transverse demolding direction" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "that end" in line 3 and "said longitudinal demolding direction" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said side walls" in line 2, "a crossbeam" in line 5, and "their ends" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "it" in line 1, "the second end" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "it" in line 1, "the second end" in line 3, "it" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "which anchoring flatbars" in line 3, "the mentioned frame" in line 4, and "the automotive vehicle" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 10-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wich (6,276,739).

Wich discloses the claimed invention including a support crossbeam 2 for an instrument panel adapted to be assembled between to side elements 31, the crossbeam can be an aluminum alloy and integrating several anchoring and supporting configurations (Figure 4). The crossbeam is formed by a single part extending between first and second ends comprising a general profile with an open cross-section with first and second tubular portions 3, 4 with a closed cross-section. Each portion in a respective one of the first and second ends. The general profile with the open cross-section including at least one intermediate portion with spaced opposite walls and a connecting wall (Figure 2). The opposite walls 20 defining together with the connecting wall 21 a substantially depressed U-shaped cross-section profile.

For claims 10-12, the crossbeam 2 includes through holes (Figures 2-4). Furthermore, it should be noted that the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process (MPEP 2113).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wich as applied above in view of DE '181.

Wich lacks the opposite walls being upper and lower walls and the connecting wall being a bottom wall with waviness and a groove therein. DE '181 teaches a crossbeam with an upper wall, a lower wall, and a bottom wall. The bottom wall of DE '181 has waviness with a longitudinal groove to provide for a hole for the passage of a fixing element therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a crossbeam shape and waviness configuration as taught by DE '181 for the crossbeam

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of Wich in order to allow the crossbeam to have improves structural integrity and allow a fixing element to be connected to a bottom thereof.

8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wich as applied above in view of Shikata et al. (6,641,195).

Wich lacks L-shaped anchoring flatbars as recited. Shikata et al. teach a crossbeam 18 (Figure 3) with anchoring flatbars 34, 35. The flatbar 34 is generally L-shaped.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided L-shaped anchoring flatbars as taught by Shikata et al. for the crossbeam of Wich in order to better secure the crossbeam to the side elements of the frame of the vehicle.

Allowable Subject Matter

9. Claims 5-9 and 13-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hilary Gutman/
Primary Examiner, Art Unit 3612